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REMARKS

The Office Action mailed June 22, 2006 has been received and reviewed. Claims 21, 23-28, 41, and 43-53 are currently pending. Claims 21, 23-28, and 51-53 have been withdrawn from consideration.

In view of the Office Action, claims 45 and 50 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 41, 43, 47, and 49 stand rejected under 35 U.S.C. § 102(b). Claims 44-46, 48, and 50 stand rejected under 35 U.S.C. § 103(a).

For the reasons set forth below, claims 41 and 43-50 are believed to be in condition for immediate allowance. Favorable reconsideration of the application in view of the following remarks is, therefore, respectfully requested.

Rejection of Claims 45 and 50 Under 35 U.S.C. §112

Claims 45 and 50 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action states that claims 45 and 50 lack antecedent basis for "the coherent group."

Applicant finds a recitation of "the coherent group" within claim 50, but not within claim 45. However, Applicant does find a recitation of "the coherent group" within claim 46. Accordingly, by this paper, Applicant has amended claims 46 and 50 to correct the antecedency of the disputed term. Reconsideration is respectfully requested.

**Rejection of Claims 41, 43, 47, and 49 Under 35 U.S.C. §102(b)**

Claims 41, 43, 47, and 49 stand rejected under 35 U.S.C. §102(b) as being anticipated by Herz. However, for a prior art reference to anticipate, every element of the claimed invention must be identically disclosed in a single prior art reference. Moreover, those elements must be arranged or connected together in a single reference in the same way as specified in the patent claim. Herz does not meet this test.

For example, the Office Action asserts that Herz discloses “deriving a micro-context corresponding to the meaning for the textual query by examining a user’s activities on the user’s computer,” as recited by Applicant. However, after review the citations to Herz provided by the Office Action in support of that assertion, as well as other portions of Herz, Applicant must respectfully disagree. Applicant finds that, rather than disclosing this claim recitation, Herz discloses “target profile interests summaries” and “query profiles.” Examination reveals these two constructs of Herz do not anticipate Applicant’s recited “micro-context.”

A. **Herz Uses “Target Profile Interest Summaries” to Customize “Rank-order” Listings, Not to Derive a Micro-context Corresponding to the Meaning of a Textual Query**

Herz defines a “target profile interest summary” as “a summary of digital profiles of target objects that a user likes and/or dislikes.” Herz at col. 4, lns. 55-58. In general, a target profile interest summary includes “a set of search profiles” of a user. Herz at col. 4, lns. 62-64. In operation, the system of Herz “estimates each user’s interest in various target objects by reference to the users’ target profile interest summaries, for example by comparing the target profiles of these target objects against the search profiles in users’ search profile sets, and

generates for each user a customized rank-ordered listing of target objects most likely to be of interest to that user." Herz at col. 6, lns. 52-58.

Noticeably absent from this disclosure of Herz is using "target profile interest summaries" to derive the micro-context corresponding to the meaning of a textual query. Rather, Herz uses "target profile interest summaries" to generate "customized rank-ordered" listings. Herz at col. 6, lns. 56-58. This distinction is further illustrated in a "news clipping service," which is "the preferred embodiment of the filtering system" disclose by Herz. Herz at col. 18, lns. 26-28 (emphasis added).

Herz states "[t]he system for customized electronic identification of desirable objects of the present invention can be used in the electronic media system of FIG. 1 to implement an automatic news clipping service which learns to select (filter) news articles to match a user's interests, based solely on which articles the user chooses to read." Herz at col. 55, lns. 43-48 (emphasis added). Thus, once the system is set up, a user "accesses news" and a customized list is presented to a user. Herz at Figure 10. The system then monitors which articles are read by the user and updates the user's preference profiles accordingly. Herz at Figure 10. Thus, the next time the news is accessed, a more customized list of articles may be presented.

In view of the foregoing, while Herz may disclose examining a user's activities on the user's computer, Applicant finds that Herz does so to rank listings, not to derive a micro-context corresponding to the meaning of a textual query. Thus, Herz' "target profile interest summaries" do not anticipate Applicant's claims.

**B. Herz' "Query Profiles" Are "Explicitly Specified by a User" and Are Not Derived by Examining a User's Activities on the User's Computer**

Similarly, Herz' "query profiles" are not derived by examining a user's activities on the user's computer and, therefore, cannot anticipate Applicant's claimed invention. Herz states that "[q]uery profiles are similar to the search profiles in a user's search profile set, except that their attributes are explicitly specified by a user, most often for one-time usage, and unlike search profiles, they are not automatically updated to reflect changing interests." Herz at col. 66, lns. 53-57 (emphasis added)

Because Herz' query profiles are "explicitly specified by a user," they cannot be derived by examining a user's activities on the user's computer. Moreover, Applicant's claims are methods "executed by a processor." Accordingly, the recited examination and derivation are to be executed by a processor. In contrast, Herz' requires explicit manual specification. Processor examination and derivation are antithetical to explicit manual specification. Thus, Herz' "query profiles" do not anticipate Applicant's claims.

In view of the foregoing, rather than disclosing each of Applicant's claim recitations, Herz discloses "target profile interests summaries" and "query profiles." Examination reveals these two constructs of Herz do not anticipate Applicant's recited "micro-context." Accordingly, reconsideration is respectfully requested.

**Rejection of Claims 44, 45, and 48 Under 35 U.S.C. §103(a)**

Claims 44, 45, and 48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Herz in view of Colby. However, to establish a *prima facie* case of obviousness: (1) the prior art reference (or references when combined) must teach or suggest all the claim limitations; (2) there

must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *See* MPEP 2143. The combination of Herz and Colby does not meet either of the foregoing requirements.

With respect to the first requirement noted, the combination of Herz and Colby does not teach or suggest "deriving a micro-context corresponding to the meaning for the textual query by examining a user's activities on the user's computer," as recited by Applicant. The failure of Herz to teach or suggest such deriving has been addressed hereinabove. The addition of the teaching of Colby to those of Herz does not remedy the problem. Applicant finds no teaching or suggestion of Colby to derive a micro-context corresponding to the meaning for a textual query by examining a user's activities on the user's computer. Moreover, the Office Action cites to no such teaching or suggestion in Colby.

With respect to the second requirement noted, there is no suggestion or motivation to combine the teachings of Colby with those of Herz. In asserting the contrary, the Office Action's case hinges on whether the "views" taught by Colby have any recognizable relation or relevance to the "profiles" taught by Herz. In reality, they do not, and the two references are inapposite art. Accordingly, the Office Action's case fails.

Colby defines a "view" as a "virtual table" presenting desired data extracted from the detailed tables of a relational database. Colby at ¶ 0010. That is, a "view" is the desired end product of a query. *See* Colby at ¶ 0010. In contrast, none of the various profiles taught by Herz are desired end products. *See* Herz at col. 4, lns. 48-64. The profiles taught by Herz are intermediaries intended to facilitate connection of a user with the user's desired end product.

Thus, Colby's "views" are unrelated to Herz' "profiles" and no teaching with respect the former is applicable to the latter.

Moreover, Colby is unconcerned with the interests of a user. Applicant finds no teachings in Colby of profiling or tracking an individual in order to better serve that individual. In Colby the goal is not profiling a user to understand personal interest. Rather, Colby recognizes that sometimes giving a user what he or she requests is unnecessarily time consuming. Accordingly, Colby teaches a method for rewriting queries to direct them to "precomputed views," which, as the name suggests, require little additional computation. Colby at ¶¶ 0073, 0074. Additionally, Colby teaches a method for logging queries that permits a "database administrator" to "analyze the use of existing precomputed tables in data store 16, and ... identify for creation potential new views (candidate views) which may improve query performance." Colby at ¶ 0076.

The fact that both the Herz and Colby references contain a word in common (*e.g.*, "query") does not create a suggestion or motivation to combine. Moreover, the motivation to combine proffered by the Office Action (*i.e.*, the desire to "improve query/search performance") is not appropriate as the problems, goals, and solutions taught in Colby are antithetical to the problems, goals, and solutions taught by Herz as described hereinabove. Accordingly, reconsideration is respectfully requested.

**Rejection of Claim 50 Under 35 U.S.C. §103(a)**

Claim 50 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Herz in view of Hatakeyama. However, to establish a *prima facie* case of obviousness, the prior art

reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP 2143. The combination of Herz and Hatakeyama does not meet this test

For example, the combination of Herz and Hatakeyama does not teach or suggest "deriving a micro-context corresponding to the meaning for the textual query by examining a user's activities on the user's computer," as recited by Applicant. The failure of Herz to teach or suggest such deriving has been addressed hereinabove. The addition of the teaching of Hatakeyama to those of Herz does not remedy the problem. Applicant finds no teaching or suggestion of Hatakeyama to derive a micro-context corresponding to the meaning for a textual query by examining a user's activities on the user's computer. Moreover, the Office Action cites to no such teaching or suggestion in Hatakeyama.

**Rejection of Claim 46 Under 35 U.S.C. §103(a)**

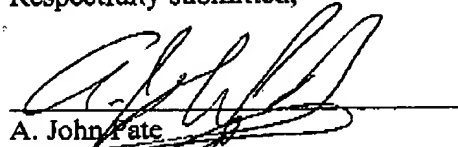
Claim 46 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Herz in view of Colby and Hatakeyama. However, to establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP 2143. The combination of Herz, Colby, and Hatakeyama does not meet this test

For example, the combination of Herz, Colby, and Hatakeyama does not teach or suggest "deriving a micro-context corresponding to the meaning for the textual query by examining a user's activities on the user's computer," as recited by Applicant. The failure of Herz, Colby, and Hatakeyama to teach or suggest such deriving has been addressed hereinabove. Accordingly, reconsideration is respectfully requested.

In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 21 day of September, 2006.

Respectfully submitted,

  
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